

FILED
Clerk
District Court

OCT 19 2006

1 For The Northern Mariana Islands
2 By _____
3 (Deputy Clerk)
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

10 UNITED STATES OF AMERICA,) Criminal No. 02-00010
11)
12 Plaintiff)
13)
14 v.) ORDER DENYING
BERT DOUGLAS MONTGOMERY,) STIPULATED REQUEST
15) FOR CONTINUANCE
16 Defendant)
17 _____)

18 Counsels' stipulated request to continue this matter for more than three
19 months is denied. The court's order of September 29, 2006, remains in full force and
20 effect:

21 IN ACCORDANCE with the September 20, 2006, mandate of
22 the U.S. Court of Appeals for the Ninth Circuit, said mandate received
23 by this court on September 28, 2006,

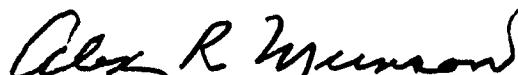
24 IT IS ORDERED that counsel for plaintiff and defendant shall
25 submit written comments addressing any factors---not only within the
26 advisory sentencing guidelines, but also those encompassed by the goals

1 and purposes of sentencing as reflected in 18 U.S.C. § 3553(a)---that
2 counsel believes warrants re-sentencing of this defendant. As stated in
3 the Ninth Circuit's opinion of August 29, 2009, this court "is asked to
4 consider whether non-Guidelines factors might have justified a sentence
5 different from the one imposed if, at the time of sentencing, the court's
discretion had not been constrained by the mandatory Guidelines."

6 Counsels' submissions must be received no later than 3:30 p.m.,
7 October 20, 2006. Although a hearing is not required, the court will
8 schedule a hearing if, after reviewing the submissions, it believes such a
hearing would be useful to its deliberations.

9 IT IS SO ORDERED.

10 DATED this 19th day of October, 2006.
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14 ALEX R. MUNSON

15 Judge